

1-1 By: White, et al. (Senate Sponsor - Huffman) H.B. No. 91
 1-2 (In the Senate - Received from the House May 1, 2017;
 1-3 May 5, 2017, read first time and referred to Committee on Business
 1-4 & Commerce; May 21, 2017, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 6, Nays 2;
 1-6 May 21, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16		X		
1-17		X		

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 91 By: Campbell

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to a review of occupational licensing requirements and an
 1-22 applicant's criminal history.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. REVIEW OF OCCUPATIONAL LICENSING ELIGIBILITY
 1-25 REQUIREMENTS RELATED TO CRIMINAL HISTORY; REPORT. (a) In this
 1-26 section:

1-27 (1) "License" means a license, certificate,
 1-28 registration, permit, or other authorization that:

1-29 (A) is issued by a licensing authority; and

1-30 (B) an individual must obtain to practice or
 1-31 engage in a particular business, occupation, or profession.

1-32 (2) "Licensing authority" means a department,
 1-33 commission, board, or other agency of the state that issues a
 1-34 license.

1-35 (b) Each licensing authority shall, for each license issued
 1-36 by the authority that has an eligibility requirement related to an
 1-37 applicant's criminal history, review the requirement and make a
 1-38 recommendation regarding whether the requirement should be
 1-39 retained, modified, or repealed.

1-40 (c) Not later than December 1, 2018, each licensing
 1-41 authority shall submit a report on the results of the authority's
 1-42 review to the lieutenant governor, the speaker of the house of
 1-43 representatives, and each member of the legislature and include the
 1-44 authority's recommendations.

1-45 (d) This section expires January 1, 2019.

1-46 SECTION 2. REGULATIONS INVOLVING CONSIDERATION OF CRIMINAL
 1-47 HISTORY OF EMPLOYMENT APPLICANT OR EMPLOYEE. Title 3, Labor Code,
 1-48 is amended by adding Chapter 106 to read as follows:

1-49 CHAPTER 106. CRIMINAL HISTORY RECORD INFORMATION OF EMPLOYMENT
 1-50 APPLICANT OR EMPLOYEE

1-51 Sec. 106.001. DEFINITIONS. In this chapter:

1-52 (1) "Applicant" means a person who has made an oral or
 1-53 written application with a private employer, or has sent a resume or
 1-54 other correspondence to a private employer, indicating an interest
 1-55 in employment.

1-56 (2) "Criminal history record information" means
 1-57 information collected by a criminal justice agency about a person's
 1-58 arrests, detentions, and criminal charges and the dispositions of
 1-59 those criminal charges.

1-60 Sec. 106.002. CERTAIN LOCAL REGULATION OF PRIVATE EMPLOYERS

2-1 PROHIBITED. A political subdivision of this state may not adopt or
2-2 enforce any ordinance or other local regulation that prohibits,
2-3 limits, delays, or otherwise regulates a private employer's ability
2-4 to inquire about, request, consider, or take employment action
2-5 based on the criminal history record information of an applicant or
2-6 employee or criminal history provided by an applicant or employee.

2-7 Sec. 106.003. NONAPPLICABILITY. This chapter does not
2-8 prevent a political subdivision of this state from adopting or
2-9 enforcing an ordinance or other local regulation relating to the
2-10 access to or consideration of the criminal history record
2-11 information of an individual or criminal history provided by an
2-12 individual:

2-13 (1) entering into a contract or other agreement with
2-14 the political subdivision as it relates to hiring within the scope
2-15 of performance of duties under that contract or agreement; or

2-16 (2) receiving a grant from the political subdivision
2-17 as it relates to hiring within the scope of performance of duties
2-18 under that grant.

2-19 SECTION 3. EFFECTIVE DATE. This Act takes effect
2-20 immediately if it receives a vote of two-thirds of all the members
2-21 elected to each house, as provided by Section 39, Article III, Texas
2-22 Constitution. If this Act does not receive the vote necessary for
2-23 immediate effect, this Act takes effect September 1, 2017.

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